

TO: Mail Stop 8
 Director of the U.S. Patent & Trademark Office
 P.O. Box 1450
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**REPORT ON THE
 FILING OR DETERMINATION OF AN
 ACTION REGARDING A PATENT OR
 TRADEMARK**

In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Northern District of California on the following Patents or Trademarks:

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
CV 10-00710 WHA	02/19/2010	450 Golden Gate Avenue, San Francisco, CA 94102
PLAINTIFF	DEFENDANT	
MShift, Inc.	Digital Insight Corporation, et al.	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 6,950,881	September 27, 2005	MShift, Inc San Jose, CA (US)
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In the above—entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY	<input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT Defendant's Motion for Summary Judgment of non-infringement granted. All remaining state law claims remitted to state court See attached Orders
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CLERK	(BY) DEPUTY CLERK	DATE
Richard W. Wicking	William Noble	October 19, 2010

Copy 1—Upon initiation of action, mail this copy to Commissioner Copy 3—Upon termination of action, mail this copy to Commissioner
 Copy 2—Upon filing document adding patent(s), mail this copy to Commissioner Copy 4—Case file copy

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MSHIFT, INC., a Delaware corporation,

Plaintiff,

v.

No. C 10-00710 WHA

DIGITAL INSIGHT CORPORATION, a Delaware corporation, COMMUNITY TRUST FINANCIAL CORPORATION, a Louisiana corporation, and COMMUNITY TRUST BANK, a Louisiana corporation, MOBILE MONEY VENTURES, LLC, a Delaware Limited Liability corporation, MERITRUST CREDIT UNION, a Kansas corporation, PROFESSIONAL FEDERAL CREDIT UNION, an Indiana corporation, SANFORD INSTITUTION FOR SAVINGS, a Maine corporation, FORT WORTH COMMUNITY CREDIT UNION, a Texas corporation, USE CREDIT UNION, a California corporation, GATE CITY BANK, A Minnesota corporation, BUSEY BANK, an Illinois corporation, DENSION STATE BANK, a Kansas corporation, FIDELITY BANK, a Massachusetts corporation, FIRST INTERNET BANK OF INDIANA, an Indiana corporation, and VISION BANK, a Florida corporation,

**ORDER DISMISSING
WITHOUT PREJUDICE
AND REMITTING ALL
REMAINING STATE
LAW CLAIMS TO
STATE COURT**

Defendants,

and SK C&C CO., LTD.,

Defendant-Intervenor.

AND RELATED COUNTERCLAIMS AND
COUNTERCLAIMS-IN-REPLY.

1 The undersigned judge has reviewed the parties' responses to the order to show cause why
2 the remaining state law claims should not be dismissed without prejudice and remitted to state
3 court. Both sides agree that the undersigned judge has discretion to remit the remaining claims to
4 state court pursuant to 28 U.S.C. 1337(c)(3) now that all federal claims and counterclaims have
5 been either resolved or dismissed. The only argument presented by plaintiff to exercise
6 supplemental jurisdiction is that some of the state claims might potentially require resolution of a
7 substantial question of federal patent law. The presence of underlying federal issues or
8 affirmative defenses arising under federal law, however, are insufficient to grant original federal
9 jurisdiction. Given the early resolution of the federal claims in this dispute, the undersigned
10 judge declines to exercise supplemental jurisdiction over the remaining state claims.

11 Accordingly, all remaining state law claims, counterclaims, and counterclaims-in-reply in
12 this action are hereby **DISMISSED** without prejudice and **REMITTED** to state court. Judgment will
13 be entered accordingly.

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15 **IT IS SO ORDERED.**

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17 Dated: October 18, 2010.

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WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE